

23

24

25

26

27

28



1

2

3

Entered on Docket October 31, 2006

King!

Hon. Linda B. Riegle United States Bankruptcy Judge

4		Ur	nited States Bankruptcy Judge
5	Annette W. Jarvis, Utah Bar No. 1649		Lenard E. Schwartzer, Nevada Bar No. 0399
	Steven C. Strong, Utah Bar No. 6340		eanette E. McPherson, Nevada Bar No. 5423
6	RAY QUINNEY & NEBEKER P.C.		Schwartzer & McPherson Law Firm
_	36 South State Street, Suite 1400		2850 South Jones Boulevard, Suite !
7	P.O. Box 45385		as Vegas, Nevada 89146-5308
0	Salt Lake City, Utah 84145-0385		Telephone: (702) 228-7590
8	Telephone: (801) 532-1500		facsimile: (702) 892-0122
9	Facsimile: (801) 532-7543	F	E-Mail: <u>bkfilings@s-mlaw.com</u>
7	Email: ajarvis@rqn.com		
10	Attorneys for Debtors and Debtors-in-Possession		
11	UNITED STATES BANKRUPTCY COURT		
1.1	DISTRICT OF NEVADA		
12		J# 0- 11-	Case No. BK-S-06-10725 LBR
	In re: USA COMMERCIAL MORTGAGE COMPANY,		Case No. BK-S-06-10725 LBR
13	OSA COMMERCIAL MORTOAGE COMPANT,	Debtor.	Case No. BK-S-06-10727 LBR
	F		Case No. BK-S-06-10728 LBR
14	In re: USA CAPITAL REALTY ADVISORS, LLC,		Case No. BK-S-06-10729 LBR
15	OSA CAPITAL REALIT AD FIOORO, ELC,	Debtor.	
13	In re:		Chapter 11
16	USA CAPITAL DIVERSIFIED TRUST DEED FUND	LLC,	
10	**************************************	Debtor.	Jointly Administered Under Case No. BK-S-06-10725 LBR
17	In re:		Case No. BA-5-00-10/25 LDR
	USA CAPITAL FIRST TRUST DEED FUND, LLC,		
18		Debtor.	
	In re:		
19	USA SECURITIES, LLC,	D-14	
	A PE AA.	Debtor.	
20	Affects: 国 All Debtors		
- 1	☐ USA Commercial Mortgage Company		
21	☐ USA Capital Realty Advisors, LLC		Date: September 28, 2006
22	☐ USA Capital Diversified Trust Deed Fund, LLC		Time: 9:30 a.m.
22	☐ USA Capital First Trust Deed Fund, LLC		1 HHG. 7.50 a.H.
~~	☐ USA Securities, LLC		

INTERIM ORDER GRANTING:

(1) DEBTORS' MOTION FOR ORDER AUTHORIZING (I) EMPLOYMENT AND RETENTION OF MESIROW FINANCIAL INTERIM MANAGEMENT, LLC AS CRISIS MANAGERS FOR THE DEBTORS AND (II) THE DESIGNATION OF THOMAS J. ALLISON OF MESIROW FINANCIAL INTERIM MANAGEMENT, LLC AS CHIEF RESTRUCTURING OFFICER FOR THE DEBTORS AND THE EMPLOYMENT OF CERTAIN TEMPORARY EMPLOYEES; (2) APPLICATION BY DEBTOR AND DEBTOR-IN-POSSESSION FOR AUTHORIZATION TO RETAIN AND EMPLOY SCHWARTZER & MCPHERSON LAW FIRM AS COUNSEL UNDER GENERAL RETAINER; AND

(3) DEBTORS' APPLICATION TO EMPLOY RAY QUINNEY & NEBEKER P.C. AS COUNSEL FOR ALL DEBTORS

The Debtors' Motion for Order Authorizin	g (I) the Employment and Retention of Mesirov				
Financial Interim Management, LLC as Crisis Ma	nagers for the Debtors, and (II) the Designation				
of Thomas J. Allison of Mesirow Financial Interin	Management, LLC as Chief Restructuring				
Officer for the Debtors and the Employment of Certain Temporary Employees (the "Mesirow					
Application," Docket No. 6), the Application by Debtor and Debtor-In-Possession for					
Authorization to Retain and Employ Schwartzer & McPherson Law Firm as Counsel Under					
General Retainer (the "S&M Application," Docket No. 21), and the Application to Employ Ray					
Quinney & Nebeker P.C. as Counsel for the Debtors (the "RQN Application," Docket No. 23)					
(collectively, the "Employment Applications"), ha	ving come on for hearing before this Court on				
September 28, 2006 pursuant to the Orders previously entered by the Court (Docket Nos. 26, 474,					
475, 890 and 1137); the Debtors, USA Commercia	al Mortgage Company, USA Securities, LLC,				
USA Capital Realty Advisors, LLC, USA Capital Diversified Trust Deed Fund, LLC, and USA					
Capital First Trust Deed Fund, LLC (collectively, "Debtors"), appearing by and through their					
counsel, Annette W. Jarvis, Esq. of Ray Quinney & Nebeker P.C. and Jeanette E. McPherson,					
Esq. of Schwartzer & McPherson Law Firm; other appearances having been made upon the					
record; the Court having considered the objections on file and the oral objections having been					
made in Court; the Court having made its findings of fact and conclusions of law on the record					
and good cause appearing, it is hereby					
ORDERED that the Employment Applications are granted through December 15, 2006;					
and it is further					
ORDERED that the Court will consider ar	extension of the Employment Applications on				
December 15, 2006 at 9:30 a.m.					
Submitted by: RAY QUINNEY & NEBEKER P.C. and SCHWARTZER & MCPHERSON LAW FIRM	Approved / Disapproved by: OFFICE OF THE U.S. TRUSTEE				
By: /s/ Lenard E. Schwartzer	Ву:				
I ENARD E SCHWARTZER ESO	AUGUST B LANDIS ESO				

Attorneys for Debtor and Debtor-In-Possession

INTERIM ORDER GRANTING: (1) DEBTORS' MOTION FOR ORDER AUTHORIZING (I) 1 EMPLOYMENT AND RETENTION OF MESIROW FINANCIAL INTERIM MANAGEMENT, LLC AS CRISIS MANAGERS FOR THE DEBTORS AND (II) THE DESIGNATION OF THOMAS J. ALLISON OF 2 MESIROW FINANCIAL INTERIM MANAGEMENT, LLC AS CHIEF RESTRUCTURING OFFICER FOR THE DEBTORS AND THE EMPLOYMENT OF CERTAIN TEMPORARY EMPLOYEES; (2) 3 APPLICATION BY DEBTOR AND DEBTOR-IN-POSSESSION FOR AUTHORIZATION TO RETAIN AND EMPLOY SCHWARTZER & McPHERSON LAW FIRM AS COUNSEL UNDER GENERAL RETAINER; 4 AND (3) DEBTORS' APPLICATION TO EMPLOY RAY QUINNEY & NEBEKER P.C. AS COUNSEL FOR **ALL DEBTORS** 5 Approved/Disapproved by: Approved/Disapproved by: 6 LEWIS AND ROCA, LLP GORDON & SILVER, LTD. 7 By: By: 8 GERALD M. GORDON, ESQ. SUSAN M. FREEMAN, ESQ. GREGORY E. GARMAN, ESO. ROB CHARLES, ESQ. 9 Counsel for the Official Committee of Counsel for the Official Committee of 10 Unsecured Creditors of USA Commercial Holders of Executory Contract Rights of USA Commercial Mortgage Company Mortgage Company 11 12 Approved/Disapproved by: Approved/Disapproved by: ORRICK, HERRINGTON & SUTCLIFFE LLP SPUTMAN TREISTER & GLATT, P.C. and 13 and BECKLEY SINGLETON, CHTD. SHEA & CARLYON, LTD. 14 It. Knowl 15 By: MARC A. LEVINSON, ESQ. FRANK A. MEROLA, ESQ. 16 EVE KARASIK, ESQ. LYNN TRINKA ERNCE, ESQ. BRETT A. AXELROD, ESQ. CHRISTINE PAJAK, ESQ. 17 ANNE M. LORADITCH, ESQ. CANDACE C. CARLYON, ESQ. 18 Counsel for the Official Committee of Counsel for the Official Committee of Equity Security Holders of USA Capital Equity Security Holders of USA Capital 19 Diversified Trust Deed Fund, LLC First Trust Deed Fund LLC 20 ### 21 22 23 24 25 26 27 28

22

23

24

25

26

27

28

1	In accordance with LR 9021, counsel submitting this document certifies as follows (check one):			
2	The court has waived the requirement of approval under LR 9021.			
3	No parties appeared or filed written objections, and submitting counsel represents the			
4	Trustee.			
5	X I have delivered a copy of this proposed order to all counsel who appeared at the			
6	hearing, any unrepresented parties who appeared at the hearing, and any trustee appointed in the case, and each has approved or disapproved the order, or failed to respond, as indicated below:			
7	Failed to respond:			
8	Office of U.S. Trustee			
9	Gordon & Silver, Ltd. Lewis and Roca, LLP			
10	Beckley Singleton/Orrick Herrington			
11	###			
12	11 11 11			
13				
14				
15				
16				
17				
18				
19				
20				
21				